

# SUMMARY WEST O'AHU OCEAN OPERATIONAL PROTOCOLS

A Project of the  
Department of  
Land and Natural Resources  
Division of Boating and Ocean Recreation

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Various commercial and recreational fishermen

## STUDY PURPOSE AND SCOPE

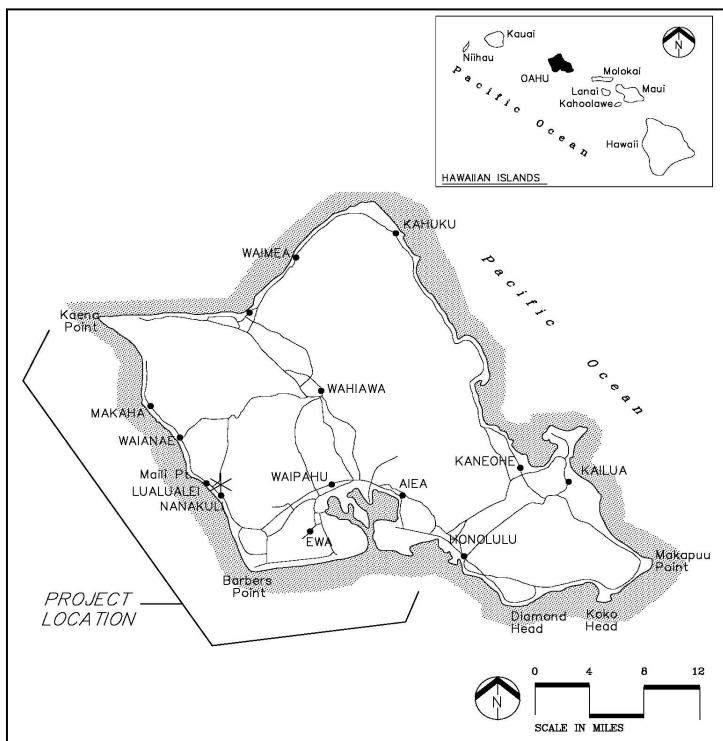
An increase in ocean activities on the west shores of O'ahu has led to a surge in user conflicts.

In August 2005, the Department of Land and Natural Resources (DLNR), Division of Boating and Ocean Recreation (DOBOR) commissioned a preliminary study to identify possible solutions. The work was accomplished in coordination with DLNR officials, ocean user groups (fishermen, commercial operators, other interest groups), and many other interested citizens. The process included interviews, small group meetings with ocean users, and a general public informational meeting. The study area extended from the Airport Reef Runway to Ka'ena Point.

The objective was to document user conflicts, record community experience, and finally identify immediate potential ocean operational protocols that, in lieu of the lengthy rule-making process, can help to protect natural and cultural resources and minimize and/or avoid user conflicts.

Project elements included:

FIGURE 1. Project Area.



1. Review and research – Develop a general description of the area's characteristics.
2. Collaborate with government agencies – Understand past, present, and future ocean use concerns.
3. Community Outreach – Identify and meet various ocean user groups through stakeholder interviews, small user groups meetings, and one (1) public meeting.
4. Develop "West O'ahu Ocean Operational Protocols" Paper – Document user conflicts and community experiences. Make recommendations and identify potential solutions, in the absence of formal "Ocean Recreation Management" rules.



## **RECOMMENDATIONS**

Due to the immediacy of ocean user conflicts, this process sought near-term solutions. Recommendations include:

- Reconvene the Task Force and revise the “Gentlemen’s Agreement.”
- Improve and expand enforcement.
- Use education to affect behavior.
- Implement environmental monitoring studies.
- Improve intra-agency coordination.

### **1. Update and Expand Gentlemen’s Agreement**

As a whole, the original Gentlemen’s Agreement only addressed user conflicts between akule fishermen and dolphin tour boats. There are now new tour operators that need education on the Agreement and on fishermen’s needs. Secondly, compliance and enforcement of the original Agreement have not always occurred. With no penalty for breaking the Agreement, many tour boat operators stray from the rules, especially when it appears “no one is watching.” Expansion and revision of the Agreement is also needed to address different types of users: other types of fishermen, surfers, etc. Finally, participation by ocean users in the Agreement revision process, especially commercial users, needs to be mandated. The Agreement also needs to be clearly posted and known by all.

#### **1.1. Reconvene Task Force**

Bring in all of the tour boat operators and all of the fishermen. Take a fresh look at problems and issues and what needs to be done. Work out new agreements as needed to protect ocean resources and provide for public safety. A project “champion” is needed to organize and chair meetings.

#### **1.2. Require all users to participate in the new process**

The community suggested that DLNR require ALL operators to participate in an update of the Gentlemen’s Agreement as a condition of their permit.



### 1.3. Community enforcement of Gentlemen's Agreement

There are new users and conditions since the 2000 Agreement. Other stakeholders asked if there was a way to set “community” penalties if the Agreement is not followed. The new Agreement should articulate agreed-upon “penalties” that the community can enforce.

FIGURE 2. Visitors watch marine mammals.



### 1.4. Update the original Gentlemen's Agreement

Basic guidelines of the existing Agreement are listed below. Each Agreement element is followed with comments regarding needed clarification, expansion, or revision.

- Applies while in areas 402 (Barber's Point to Mā'ili Point) and 403 (Mā'ili Point to Ka'ena Point)  
Ocean users concurred that this is the area covered by the Agreement.
- Operators and researchers must be sensitive while traveling along the coast and work closely with fishing vessels  
This element needs clarification to define “sensitive” as it has different meanings to different users. Should a certain speed or distance be agreed upon?
- Normal transit should be offshore along the 40 fathoms depth contour but no less than 25 fathoms, depending on sea conditions  
This element also requires expansion and clarification to address operator transit between 25 and 40 fathoms. What does “depending on sea conditions” mean? If it is high surf, then what behavior is/is not appropriate?



- Enter into areas at right angles from offshore to inshore  
This element is good; however, users need to abide by this rule even when other boats are not present.
- Work closely on radio channels 78a/68 so no conflicts  
This element is useful and regularly practiced.
- Work closely with other marine mammal watching vessels primarily on channel 78a  
This element is useful and regularly practiced.
- Pass location of dolphin pods to other interested parties  
This element is agreed upon.
- Approach and observe dolphin areas smoothly, quietly, and slowly  
This element is agreed upon; however, enforcement is an NOAA (National Oceanic and Atmospheric Administration) issue and may be affected by their rules.
- Be conscious and watch for swimmers and divers while traveling en route and at site  
This element is agreed upon.
- Work closely with dive vessels  
Agreed.
- Log activity, amount, direction of travel, type of animal, daily in logs  
Agreed.
- Pass information along to University of Hawai'i personnel  
Agreed.
- Communicate with fishermen  
Agreed.
- Don't pass inside of operating fishing vessels  
Expansion of this element is required. Different fishermen use various areas. While passing outside of an akule boat is preferred, that is not the same for an opelu fishing boat. More information is needed to articulate where and how boats should traverse depending on the fishing activity.

## 1.5. Formalize Mākaha Buoys/Moorings Agreement

This agreement was forged with the water safety officers, the dive community and the fishing community some years ago. Representatives from all three groups went out on one of the glass bottom dive boats (Rainbow Divers) along the coast to agree on placement of each of the moorings. This original agreement regarding location of moorings and rings should be publicized to new users and followed.



New rules could also be set so at certain wave heights no boats are allowed inside Mākaha Bay. An example is to use “high surf advisory” warnings as indicators of when it is not safe to take tours into Mākaha Bay. Standards should be set based on local knowledge.

## **2. Improve and Expand Enforcement**

Most ocean users expressed a great deal of frustration with the apparent absence of enforcement. Several ocean users related numerous calls to DOCARE (DLNR-Division of Conservation and Resources Enforcement) with no response. One ocean user in particular called DOCARE to report infractions three days in a row. Each day they were told there was no available officer. Many in the community said that getting some enforcement of existing rules and regulations would be a first step. Enforcement of rules would send a message and make a statement about the value of natural resources. The community also briefly discussed the possibility of deputizing public representatives to help enforce existing rules and Agreements. Many agreed that enforcement of existing rules has to hit violators in the “wallet.” The DLNR “Makai Watch” program may assist in enforcement efforts.

FIGURE 3. Wai'anae Small Boat Harbor.



## **3. Use Education to Affect Behavior**

Many participants agreed that more public education for all sectors is needed. Education promotes public awareness and voluntary compliance with sustainable resource use restrictions. Community members suggested using signage, training, or even certifications to publicize



appropriate behavior. Posting language of the “Gentlemen’s Agreement” on plaques and displaying them at the harbor in highly visible areas may be helpful. How can we teach others about how the ocean works?

Suggestions for education also related to possible training requirements for commercial operators and fishermen. Tour boat operators and captains could be required to go through a hands-on, practical course of study so that they develop an understanding of ocean resources, processes, dangers, protocols, and the history and culture of the Wai’anae Coast. They could be required to attain a certain level of ocean knowledge before they receive a permit and/or license. Further, they could be required to take refresher/update classes from time-to-time. The course of study could be designed by kupuna/ocean practitioners. Community members felt that the Coast Guard Auxiliary used to do a good job of teaching ocean protocols. New courses could be conducted at nominal cost – perhaps as part of the Leeward Community College/Wai’anae Campus curriculum. The “Makai Watch” program may also help with community outreach and education.

#### **4. Baseline/Monitoring Studies**

Various types of ocean users agreed on one point: an environmental “baseline study” and assessment of impacts is needed. The community plans to work with the Legislature to fund this study in 2006. They also would like to begin setting the scope of the study. Stakeholders discussed the purpose and utility of doing the study and also raised additional issues and questions. Issues included:

- When is the baseline study going to start from?
- The study should project future users as well as current users.
- Scientists’ data can validate users’ experiences.
- The study needs to be comprehensive – not just based on one resource or user group.
- How can we determine who has priority on the ocean without this study?

The community hopes to gain a better understanding of the impacts of past/present/future ocean users and possible rules on ocean resources.

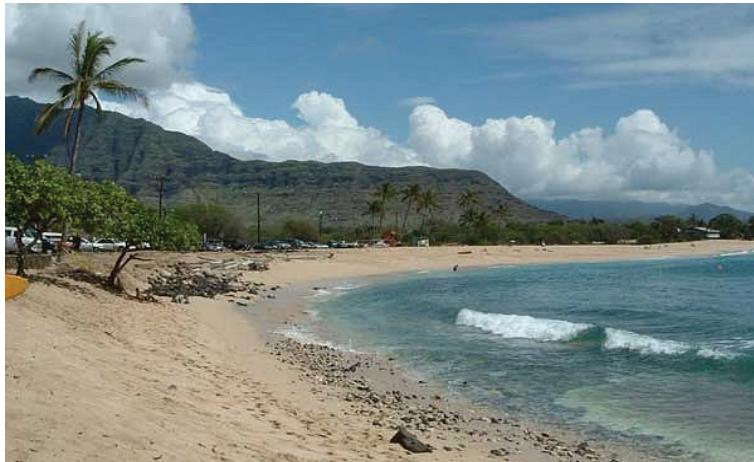
#### **5. Improve Intra-Agency Coordination**

Overall, these issues will benefit from increased coordination among DLNR Divisions. Collectively, the Division of Aquatic Resources (DAR), the Division of Boating and Ocean Recreation (DOBOR), and the Division of Conservation and Resources Enforcement (DOCARE) manage ocean resources. As a result, marine resources, harbors and boaters, and enforcement are each managed separately with Divisions often unaware of issues that may overlap. Without



proper participation and communication, management is disconnected and resolutions of issues take time. Increased and regular communication among these agencies would help to address issues that overlap Divisions' responsibilities. A majority of community members expressed frustration with DLNR Divisions and suggested regular intra-departmental meetings to discuss West O'ahu issues.

Figure 4. Mākaha Surfing Beach.



## 6. Other Issues

Many stakeholders felt that conflicts and issues can be worked out within existing regulations. Others noted the need for interpretation of existing rules to manage activities more efficiently.

Many stakeholders suggested that DLNR should stipulate more conditions in existing use permits. However the feasibility and enforceability of this is uncertain.

- Should various types of fishermen fly a flag when fishing?
- Should DLNR manage activities from all harbors, both public and private?
- Should there be any additional certification requirements for West O'ahu operators?
- Should permits set conditions for users, including travel speeds, routes, use times, proximity to boats, behavior, etc.?

